



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**'AUG 17 2018**

UNITED PARCEL SERVICE

Ms. Vanessa Mueller  
President  
Marina Cottage Soap Company, Inc.  
3420 Bienville Boulevard, Suite B  
Ocean Springs, Mississippi 39564

Re: Marina Cottage Soap Company, Inc.  
Notice of Warning for Unregistered Pesticides  
Case File No. FIFRA-04-2018-8581

Dear Ms. Mueller:

The U.S. Environmental Protection Agency has obtained evidence indicating that Marina Cottage Soap Company, Inc. ("Marina Cottage Soap Company") appears to be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

On November 22, 2016, an inspector authorized by the EPA conducted an inspection at a Van's Deer Processing & Sporting Goods facility located in Brandon, Mississippi, to determine compliance with FIFRA and the regulations promulgated thereunder. The inspection revealed that Marina Cottage Soap Company distributed or sold the following product: "Gneaux More Gnaughty Gnats Natural Insect Repellent with SPF 50 Sunscreen". The product, which claims to control "gnats, mosquitos, yellowflies and more", meets the definition of a pesticide requiring registration.

Pursuant to 40 C.F.R. § 152.15, the EPA considers a substance "to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if: (a) The person who distributes or sells the substance claims, states, or implies (by labeling or otherwise): (1) That the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or (2) That the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide; or (b) the substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than (1) use for pesticidal purpose (by itself or in combination with any other substance), (2) use for manufacture of a pesticide; or (c) The person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose".

In addition, upon review of your company website (accessed via the URL [www.marinacottage.com](http://www.marinacottage.com)), the EPA found evidence that Marina Cottage Soap Company is currently offering for distribution or sale the "Gneaux More Gnaughty Gnats" product in two available variants: "Natural Insect Repellent" and "SPF 50 Sunblock with Natural Insect Repellent".

As set forth in FIFRA Section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), it is unlawful to distribute or sell any pesticide that is not registered under Section 3 of FIFRA.

Your product may qualify as a Minimum Risk Pesticide pursuant to Section 25(b) of FIFRA if certain criteria are met. A Minimum Risk Pesticide is exempt from registration if the product complies with all six of the conditions listed below.

- **Condition 1:** The product's active ingredients must only be those that are listed in 40 C.F.R. 152.25(f)(1). The EPA has determined that the “Gneaux More Gnaughty Gnats” products may contain active ingredients which do not meet this condition.
- **Condition 2:** The product's inert ingredients may only be those that have been classified by EPA as:
  - Listed in 40 C.F.R. 152.25(f)(2)
  - commonly consumed food commodities, animal feed items, and edible fats and oils as described in 40 C.F.R. 180.950(a), (b), and (c); and
  - certain chemical substances listed under 40 C.F.R. 180.950(e).

The EPA has determined that the “Gneaux More Gnaughty Gnats” products may contain inactive ingredients which do not meet this condition.

- **Condition 3:** All the ingredients (both active and inert) must be listed on the label. The active ingredient(s) must be listed by label display name and percentage by weight. Each inert ingredient must be listed by label display name. The ingredients listed on the “Gneaux More Gnaughty Gnats” product labels are not specified or quantified in accordance with Condition 3.
- **Condition 4:** The product must not bear claims either to control or mitigate organisms that pose a threat to human health, or insects or rodents carrying specific diseases.
- **Condition 5:** The name of the producer or the company for whom the product was produced and the company's contact information must be displayed prominently on the product label.
- **Condition 6:** The label cannot include any false or misleading statements.

It does not appear that your products meet all the conditions at this time. If you wish to claim the Minimum Risk Pesticide exemption for a product, it is your responsibility to ensure that the formulation, labels, websites, advertisements, etc., are in compliance with FIFRA.

In response to the apparent violations of FIFRA at the facility, the EPA is issuing this Notice of Warning (NOW) to Marina Cottage Soap Company pursuant to FIFRA Section 9(c)(3), § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response for the company's apparent violation of FIFRA, provided that within 30 days of the receipt of this NOW, an authorized official of the company [you] submit[s] a signed statement indicating that compliance with FIFRA has been achieved by identifying the actions taken to achieve compliance with the requirements set forth above. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement should be submitted to:



Justin Mullenix  
U.S. EPA Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303.

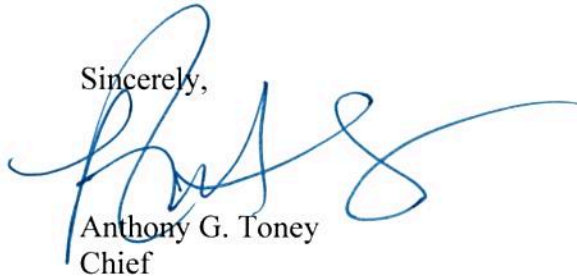
Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at:

<https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions or would like a copy of the Information Sheet, please contact Justin Mullenix of the EPA Region 4 staff at [mullenix.justin@epa.gov](mailto:mullenix.justin@epa.gov) or (404) 562-8997.

Sincerely,



Anthony G. Toney  
Chief

Chemical Safety and Enforcement Branch

cc: Randy Boyle  
MS Department of Agriculture and Commerce

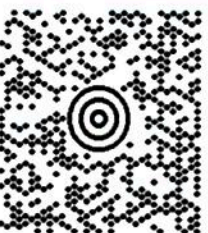
PAMELA MOULTRIE  
404.562.9181  
EPA-FINANCE  
61 FORSYTH ST SW  
ATLANTA GA 30303

0.0 LBS LTR

1 OF 1

**SHIP TO:**

MS. VANESSA MUELLER  
MARINA COTTAGE SOAP COMPANY, INC.  
SUITE B  
3420 BIENVILLE BOULEVARD  
OCEAN SPRINGS MS 39564-5732



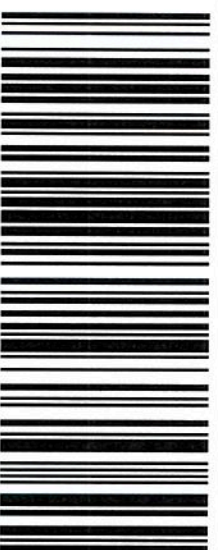
**MS 395 1-01**



**UPS 2ND DAY AIR**

TRACKING #: 1Z WR2 574 02 9574 7462

**2**



BILLING: P/P

Reference # 1: APTMD

CS 20.5.13 WNTNVS03.0A.07/2018



1. Ensure there are no other shipping or tracking labels attached to your package. Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

2. Fold the printed label at the solid line below. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

### 3. GETTING YOUR SHIPMENT TO UPS

- Customers with a Daily Pickup  
Your driver will pickup your shipment(s) as usual.

#### Customers without a Daily Pickup

Take your package to any location of The UPS Store®, UPS Access Point™ location, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.  
Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.  
Hand the package to any UPS driver in your area.

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ATLANTA, GA 30303

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THE UPS STORE  
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ATLANTA, GA 30303

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ATLANTA, GA 30312

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